

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

Sara M. Ulloa
c/o 1121 Ovington Avenue
Brooklyn, New York republic

MAY 27 2010

LAWRENCE K. BAERMAN, CLERK
ALBANY

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK**

CASE # 1:10-CV-00467
TJM/DRH

COUNTY OF ULSTER, NEW YORK)
THE TOWN OF LLOYD, NEW YORK,)
TOWN OF ROSENDALE, NEW YORK,)
TOWN OF ULSTER, NEW YORK)
DARRELL DAY, EUGENE J. RIZZO,)
DANIEL M. MARTUSCELLO,)
HEATHER BLUME, ANTHONY)
KALIMERAS, KATHLEEN BURNS)
JEFF COHEN, DAVID M. ACKERT,)
AMY SHUMAN, ROBERT VOSPER,)
JOSHUA CALIENDO, BEATRICE)
HAVRANEK, EILEEN B. KATASKY)
NINA POSUPACK, NEREIDA VEYTIA)

MOTION TO DISMISS

Plaintiffs,

-against-

RICHARD ENRIQUE ULLOA, SARA)
ULLOA, JEFFREY-CHARLES)
BURFEINDT, ED-GEORGE)
PARENTEAU, RAYMOND)
TOMKINS, KATERINE A. CAIRO)
DAVIS, KATHY STEINHILBER,)

Defendants

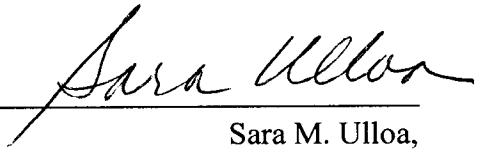
MOTION TO DISMISS

1 Comes now Sara Ulloa, by special visitation and not appearing generally, before this
 2 court seeking a remedy, by "The Saving to the Suitors Clause" at USC 28 -1333(1). I
 3 respectfully request the indulgence of this court as I am not schooled in law. This is
 4 provided by the precedent set by Haines vs. Kerner at 404 U.S. 519

5
 6 I submit this Motion to Dismiss based on the fact that I am an officer of the court and
 7 have not committed any crimes, I have executed the functions of my office as a Notary
 8 Public for the State of New York, and as authorized and licensed by the Secretary of State
 9 of New York and demand to be removed from this action.

- 10 1. The verification and notarizing of documents are done by officers of the state
 11 court, and licensed by the Secretary of State for the State of New York. These
 12 Notaries are not licensed by the United States or the UNITED STATES, or the
 13 United States of America, and therefore this court does not have subject matter
 14 jurisdiction, therefore my name should be removed from this action.
- 15 2. Plaintiff's claims are largely related to challenging a commercial lien, which I am
 16 no part of, (under the guise, pretext, sham and subterfuge of a civil RICO action),
 17 an area of law preempted by state law in that it is well settled that state law
 18 establishes the property interest of parties subject to commercial liens, therefore
 19 my name should be removed from this action;
- 20 3. The fact of the commercial lien is a matter of state law and not subject to
 21 intervention by federal courts (courts of limited jurisdiction) and thus the court
 22 lacks subject matter jurisdiction, therefore my name should be removed from this
 23 action;
- 24 4. For those parties listed as juristic entities (artificial persona) there is no proof that
 25 the parties are authorized to bring suit so the court lacks in personam jurisdiction
 26 for those parties, therefore my name should be removed from this action;
- 27 5. The plaintiffs did not authorize the under signed attorney to proceed on their
 28 behalf and the attorney is not a party to the suit, this is based on the record and
 evidence in this action, there are no affidavits or power of attorneys signed and
 Notarized by a licensed New York State Notary Public from ANY Plaintiff's,
 therefore not only my name should be removed, but the entire action should be
 dismissed;

6. The purpose of the courts, is to "Protect and maintain individual rights" based on the Constitution and Declaration of Independence. Standing is the number one issue facing this court. If Plaintiff has no standing, there is no subject matter jurisdiction. In Clifford S v. Superior Court, 45 Cal Rptr.2d 333,335 states, if a party is found to lack standing the court is without subject matter jurisdiction to determine the cause... A court lacks discretion to consider the merits of a case over which it is without jurisdiction. Standing is a necessary component of subject matter jurisdiction Rames v. Bryd, 521 US 811. Standing is perhaps the most important of the jurisdictional doctrines... standing represents a jurisdictional requirement which remains open to review at all stages of the litigations.... Now, Inc v. Scheidler, 510 US 249. The requirement of standing however has a core component derived directly from the Constitution. A Plaintiff must allege personal injury fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief... Allen v. Wright, 468 US 737,751 (1984); Therefore based on the fact that I have not violated the rights of any of the Plaintiff's and the fact that I am licensed by the State of New York, and the Certified by the Secretary of State for the State of New York, the Plaintiff's have no standing to bring this action, I demand my name be removed from this action.


Sara M. Ulloa,

Date: May 25, 2010

State of New York }

ss

County of Kings }

On the 25th day of May in the year 2010 before me, the undersigned, a Notary Public in and for said State, personally appeared Sara Maria Ulloa, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names(s) is (are) subscribed to the within Instrument and acknowledged to me that he/she/they executed the same in his/her/their

1 capacity(ies), and that by his/her/their signatures(s) on the Instrument, the individual(s), or the
2 person upon behalf of which the individual(s) acted, executed the instrument.

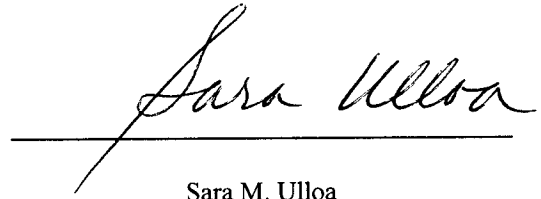
3 Signature *Diana Vientos* (seal)

4 **DIANA VIENTOS**
5 **NOTARY PUBLIC STATE OF NEW YORK**
6 **NO. 01VI4748586**
7 **QUALIFIED IN KINGS COUNTY**
8 **COMMISSION EXPIRES JANUARY 31, 2014**

Proof and Evidence of Service

I, Sara Maria Ulloa: declare that I served by filing one copy of the "**MOTION TO DISMISS**" by "hand-delivered by private carrier-service on "State of New York Supreme Court Ulster County" sent by post-office-first class-mail AND OR CERTIFIED MAIL to the following:

BAILEY, KELLEHER & JOHNSON, P.C	USDC OF NORTHERN NY
JOHN W. BAILEY	COURT CLERK
5 PINE WEST PLAZA, SUITE 507	445 Broadway, Room 509
ALBANY, NEW YORK 12205	ALBANY, NEW YORK 12207
First class mail	First class mail



Sara M. Ulloa

NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL NOTICE TO
THE PRINCIPAL IS NOTICE TO THE AGENT